

REMARKS

Applicants respectfully request favorable reconsideration of this application.

Claims 1, 3–13 and 21–27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malin (U.S. 2004/0115101) in view of Bathe (U.S. 6,536,859; newly-cited). Applicants respectfully traverse.

Malin and Bathe disclose climate-controlled cabinets. As depicted in FIGS. 5a and 5b, Malin's climate controlled cabinet includes a climate controlled chamber 2 in which three stationary storage towers 650 and a handling device 620 are located. Handling device 620 transports objects, through auxiliary door 15, to and from transfer position 110 located on an "external object conveyor system 100." See, e.g., Paragraphs 0045, 46, 80–83, etc. Similarly, as depicted in the exploded view of FIG. 1, Bathe's climatic cabinet 1 includes an automated storage magazine or carousel, an automatic door 2 and "all the elements necessary for climate control ... of the interior space" (Col. 2:10–13). In this exploded view, the climatic cabinet 1 is depicted to the left of FIG. 1, while the internal the storage magazine is depicted at the right of FIG. 1. Bathe teaches that the storage magazine is "located in the climatic cabinet 1 during operation" (Col. 2:1–2).

The Office Action opines that Malin discloses a "buffer specimen storage device, disposed outside the utilization space (See Figure 5a Item 100, & [0083])" (Page 4). Applicants disagree. Malin merely discloses that his "external object conveyor system 100 can e.g. comprise a transfer position 110 (e.g. of the type of temperature adaptation device 40), as well as an automatic transport system for the objects" (Paragraph 0083). Malin fails to teach (or even suggest) that his external conveyor system 100 not only transports objects but also stores them. Accordingly, Malin fails to disclose a buffer specimen storage device, as recited by Claim 1, or a means for storing specimens, as recited by Claim 21.

Furthermore, neither Bathe (newly-cited) nor Helwig (previously-cited) cure Malin's deficiencies. *To wit*, Bathe discloses a storage magazine that is located inside his climate control cabinet 1; similarly, Helwig discloses an object storage device 7 that is located inside his climatic test cabinet 1. Accordingly, neither Bathe nor Helwig discloses a buffer specimen storage device, disposed outside the utilization space, that includes a plurality of storage locations, as recited by Claim 1, or a means for storing specimen slides that is disposed outside the walls of the cabinet, as recited by Claim 21. While the Office Action opines that Bathe

"discloses a buffer storage device which explicitly discloses a plurality of storage locations" (Page 4), Applicants note that Malin and Helwig also disclose storage devices that include a plurality of storage locations. *See, e.g.,* Malin FIGS. 1a, 1b, 2a, 2b, Paragraphs 46, 51, 53, etc.; Helwig FIGS. 1, 2; Col. 5:6-23.¹

In other words, none of the cited references, taken either singly or in combination, teaches or suggests a buffer specimen storage device, disposed outside the utilization space, that includes a plurality of storage locations, as recited by Claim 1, or a means for storing specimen slides that is disposed outside the walls of the cabinet, as recited by Claim 21.

Furthermore, neither Malin nor Bathe teaches or suggests an outer transport device, disposed outside the utilization space, to transport specimen slides to and from the buffer specimen storage device and to establish a transport connection with the transfer opening such that a specimen slide is transported between the buffer specimen storage device, the inner transport device, and the specimen storage device, as recited by Claim 1, or a second means for transporting specimen slides, disposed outside the walls, to convey specimen slides between the second means for storing specimen slides and the transfer opening, the first and second means for transporting specimen slides cooperating together to exchange specimen slides within the transfer opening, as recited by Claim 21. At most, Malin teaches that objects may be transferred between the internal and external transporters at transfer positions that are located outside the cabinets, such as transfer position 110 located on the upper surface of Malin's external object conveyor system 100. Consequently, Malin fails to disclose the claimed features.

Accordingly, Applicant respectfully submits that Claims 1 and 21 are allowable over the cited references. Furthermore, Claims 3-7, 9-18 and 20 depending from Claim 1, and Claims 22-27, depending from Claim 21, are also allowable, at least for the reasons discussed above.

Moreover, Applicants respectfully submit that many dependent claims are independently allowable over the cited references. For example, neither Malin nor Bathe disclose an external conveyor or transport system that includes a vertically-movable lift and a horizontally-movable

¹ Accordingly, Bathe discloses the same subject matter as Malin and Helwig (previously-cited), i.e., a climatic cabinet with an internal storage device that has a plurality of storage locations, and, as such, appears to be cumulative with respect to these references. Applicants note that the MPEP provides that "prior art rejections should ordinarily be confined strictly to the best available prior art" and that "merely cumulative rejections, i.e., those which would clearly fall if the primary rejection were not sustained, should be avoided" (MPEP § 706.02).

shifting unit, as recited by Claims 6 and 26; neither reference discloses a specimen transfer location that is located between the outer and the inner transport devices in the area of the transfer opening, as recited by Claim 7; neither reference discloses a plurality of transfer openings by which a plurality of specimen storage devices are loaded by a plurality of inner transport devices, in which the outer transport device has an operative connection to all transfer openings, as recited by Claim 8; neither reference discloses a wall that has a plurality of transfer openings through which the specimen slides are exchanged, as recited by Claim 27; etc.

In view of the foregoing amendment and remarks presented herein, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

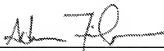
If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Director is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-2036.

Respectfully submitted,

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